

# EXHIBIT A

IN THE CIRCUIT COURT  
ASSOCIATE DIVISION  
ST. LOUIS COUNTY  
STATE OF MISSOURI

JOHNNY O' CONNOR

Plaintiff,

v.

CREDIT PROTECTION ASSOCIATION, L.P.  
d/b/a "CPA"

Defendant.

Serve Defendant at:  
President, Nathan A. Levine  
13355 Noel Road  
Dallas, TX 75240

Cause No. 11SL-AC39694

Division 39A

PETITION

COMES NOW, Plaintiff, Johnny L. O' Connor, Jr., and for his Petition states as follows:

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

JURISDICTION AND VENUE

2. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k(d).  
3. Venue is appropriate in this Court because Defendant directed its collection activity to St. Louis County, Missouri and violated the FDCPA in St. Louis County, Missouri.

PARTIES

4. Plaintiff is a natural person currently residing in St. Louis County, Missouri.  
Plaintiff is a "consumer" within the meaning of the FDCPA and TCPA.

5. The alleged debt at issue in this action arises out of consumer, family, and household transactions between Plaintiff and a cable television provider.

6. Defendant Credit Protection Association, L.P. is a foreign corporation with its principal place of business located in Dallas, TX.
7. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.
8. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 USC 1692a (6).

### **FACTS**

#### ***Defendant's Collection Letters***

9. On or about September 6, 2011, Defendant sent a collection letter to Plaintiff.
10. In the letter, Defendant disclosed that it was a "credit protection association" or a credit bureau and hid or overshadowed the fact that it was a debt collector.
11. The letter bore the heading: "Always protect your credit rating." Accordingly, Plaintiff believed Defendant was a credit bureau or a service offering credit protection and was confused as to whether or not Defendant was a bill collector.
12. Defendant, in the letter, deliberately intended to deceive Plaintiff into believing that Defendant was a quasi-governmental association or a credit bureau with power over Plaintiff's credit report so that Defendant could obtain additional leverage over Plaintiff for the purposes of collecting the debt.
13. Defendant, in the letter, intended to deceive Plaintiff into believing that Defendant would report the invalid debt on Plaintiff's credit despite the fact that Defendant had no such authority or ability.
14. Specifically, Defendant demanded in the letter that Plaintiff "protect your credit rating" and avoid "future collection activity" and other "steps to collect this debt," all of which made Plaintiff believe that Defendant would imminently report the cable debt on his credit record.

15. Defendant attempted to collect \$381.81 from Plaintiff for Plaintiff's supposedly unreturned cable equipment despite the fact that Defendant knew or should have known that this debt was inflated, invalid, and unwarranted.

16. Specifically, Defendant knew or should have known that Plaintiff returned all of the cable equipment to the cable equipment provider and that Plaintiff owed nothing.

17. After receiving the letter, Plaintiff contacted the cable provider directly and verified that he returned all of his equipment and that he owed nothing to the cable provider.

18. Upon information and belief, Plaintiff's cable provider contacted Defendant and informed Defendant that all equipment had been returned and that Plaintiff owed no balance.

19. Nonetheless, Defendant sent another collection letter to Plaintiff on September 14, 2011 in an attempt to collect \$50.81 supposedly still due and owing the cable provider.

20. Defendant knew that Plaintiff did not owe \$50.81 or any other amount to the cable provider.

21. In this letter, Defendant threatened once again to report the alleged debt to Plaintiff's credit record: "We will proceed with further collection activity which could jeopardize your credit standing."

22. Defendant had no authority or ability to report the \$50.81 on Plaintiff's credit record.

**COUNT I: VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT**

23. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

24. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692a-j, et. seq., including, but not limited to, the following:

a. Defendant failed to identify itself as a debt collector and falsely characterized itself as a credit bureau or other type of agency. 15 U.S.C. §1692d,e;

b. Defendant attempted to collect an unauthorized amount. 15 U.S.C. §1692f(1);

c. Defendant threatened to take action, specifically credit reporting, that it could not legally take and that it did not intend to take. 15 U.S.C. §1692d,e, f;

d. Defendant engaged in conduct that the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt. 15 U.S.C. § 1692d-f;

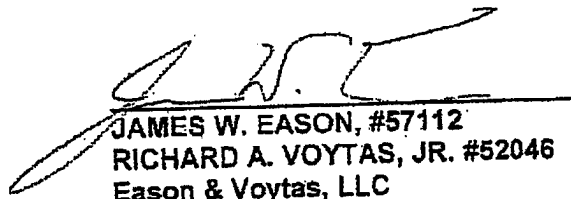
e. Defendant communicated a false impression of the character, amount and legal status of the debt. 15 U.S.C. §1692e;

f. Defendant used unfair and unconscionable practices to attempt to collect the debt. 15 U.S.C. §1692f.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendants and in favor of Plaintiff for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Attorneys' Fees;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC



JAMES W. EASON, #57112  
RICHARD A. VOYTAS, JR. #52046  
Eason & Voytas, LLC  
1141 South Seventh Street  
St. Louis, Missouri 63104  
Phone: (314) 304-9444; (314) 600-3323  
Fax: (314) 667-3161